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In re Application of
YOSHIDA *et al*
U.S. Application No.: 10/594,905
PCT No.: PCT/JP05/006325
Int. Filing Date: 31 March 2005
Priority Date: 31 March 2004
Attorney Docket No.: 47487-0005-00-US
For: PERIPHERAL BLOOD FLOW-
IMPROVING COMPOSITION

**DECISION ON
PETITION
UNDER 37 CFR 1.497(d)**

This is a decision on applicants' "Correction of Inventors Pursuant to 37 C.F.R. § 1.497(d)" filed 01 August 2007.

BACKGROUND

On 05 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to comply with extensions of time available pursuant to 37 CFR 1.136(a).

On 01 August 2007, applicants filed the subject response which was accompanied by, *inter alia*, a \$130.00 surcharge fee; a signed declaration; a statement by two of the four named inventors; and a \$130.00 petition fee.

DISCUSSION

Applicants claim that the international application "mistranslated" two of the inventors' names. The international publication ("WO 2005/094860") listed two inventors as Yuji YOSHIDA and Yuta MATSUMOTO. Applicants request to change their names to Hirofumi KODA and Takehiro MATSUMOTO respectively.

Applicants submitted a petition under 37 CFR 1.497(d) to initiate this correction. Applicants also included an executed declaration with the proposed changes to the names of the two inventors.

Section 201.03 of the Manual of Patent Examining Procedure (MPEP) states that where a typographical or transliteration error in the spelling of an inventor's name is

discovered, the Office should simply be notified of the error. A petition under 37 CFR 1.48 (or 37 CFR 1.497(d)) is not required.

Nonetheless, the statements by the inventors that the mistake in the international publication was merely a typographical error is not accepted. The difference in the names are too great to be a typographical error. Counsel claims that the difference in the names was a mistranslation. However, further information on this claim was provided and this assertion is in conflict with the statements signed by the inventors. More information is required to accept counsel's statement.

CONCLUSION

For the reasons discussed above, applicants' petition is **DISMISSED** without prejudice.

The declaration filed 01 August 2007 is not yet in compliance with 37 CFR 1.497(a) and (b).

Applicants must provide either a grantable petition under 37 CFR 1.182 to change the names of the inventors, or submit an adequate explanation of the discrepancy in the names within **ONE (1) MONTH** from the mail date of this communication, or any time remaining in the Form PCT/DO/EO/905 mailed 05 June 2007, whichever is longer. Failure to submit the required reply in the time allotted will result in the **ABANDONMENT** of this application.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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